

**STATE WATER RESOURCES CONTROL BOARD  
BOARD HEARING SESSION – DIVISION OF WATER QUALITY  
NOVEMBER 28, 2018**

**ITEM 6**

**SUBJECT**

PUBLIC HEARING ON THE PROPOSED ESTABLISHMENT OF THE WATER QUALITY CONTROL PLAN FOR INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA; AND TOXICITY PROVISIONS

**DISCUSSION**

State Water Resources Control Board (State Water Board) staff is proposing the establishment of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; and Toxicity Provisions. The Toxicity Provisions include numeric chronic and acute water quality objectives for toxicity and a program of implementation to protect aquatic life beneficial uses. The Toxicity Provisions, if adopted, would apply to all inland surface waters, enclosed bays, and estuaries and coastal lagoons statewide.

The Toxicity Provisions would supersede basin plan toxicity provisions that specify methods of assessing compliance with water quality objectives for acute or chronic aquatic toxicity, that regard aquatic toxicity testing, or that regard the interpretation of aquatic toxicity testing results or that are in conflict with the Toxicity Provisions. The Toxicity Provisions would not supersede narrative toxicity water quality objectives; any basin plan provisions regarding the application of narrative water quality objectives to derive chemical specific limits, targets, and other thresholds; nor any site-specific toxicity water quality objectives established in a basin plan.

For non-storm water NPDES dischargers, such as municipal and industrial wastewater treatment facilities, the program of implementation would include requirements to assess acute and chronic toxicity test data using a specific statistical approach (the Test of Significant Toxicity or TST), requirements for species sensitivity screening and reasonable potential analysis, acute and chronic effluent limitations, routine monitoring frequencies for chronic toxicity, requirements for establishing mixing zones, and specifications for when a Toxicity Reduction Evaluation is required.

For storm water dischargers, nonpoint source dischargers, and other non-NPDES dischargers, the program of implementation would include requirements to assess certain acute and chronic toxicity data using the TST approach.

State Water Board staff prepared a Draft Staff Report, including Substitute Environmental Documentation, to provide supporting information for the Toxicity Provisions. The Draft Toxicity Provisions and the Draft Staff Report were released for public review on October 19, 2018. Staff held workshops on October 29, 2018, and October 31, 2018. The written public comment period for the Toxicity Provisions ends at 12:00 noon on December 7, 2018. The Draft Staff Report and Toxicity Provisions and information regarding the project is available on the Toxicity Provisions program page at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/state\\_implementation\\_policy/tx\\_ass\\_cntrl.html](https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/tx_ass_cntrl.html)

## **POLICY ISSUE**

This is a hearing for the State Water Board to receive public comment on the Toxicity Provisions prior to the State Water Board's consideration of adoption. No final action will be taken today. The State Water Board will consider adoption of the Establishment of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; and Toxicity Provisions at a future board meeting.

## **FISCAL IMPACT**

As there will be no board action during this hearing, there will be no fiscal impact at this time.

## **REGIONAL BOARD IMPACT**

As there will be no board action during this hearing, there will be no Regional Water Board impact at this time. However, Regional Water Board staff have extensively reviewed and participated in development of the Toxicity Provisions.

## **STAFF RECOMMENDATION**

No staff recommendation is made at this time. The State Water Board will receive public comment but not take any action at the hearing.

State Water Board action on this item will assist the Water Boards in reaching Goals 1 and 6 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses of listed water bodies by 2030 and to enhance consistency across the Water Boards.
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